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February 28, 2020

Honorable Christian F. Hummel
United States District Court
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, NY 12207

Re: *NRA v. Cuomo, et al*
Northern District of New York
18-CV-566 (TJM)(CFH)

Dear Judge Hummel:

Plaintiff just filed an Order to Show Cause from this Court seeking a preliminary injunction restraining the Department of Financial Services' (DFS) from initiating administrative enforcement proceedings against the Plaintiff. Based on DFS' preliminary understanding of the NRA's request, the NRA is proposing that this Court violate established abstention doctrines by enjoining a New York State agency proceeding.

For the Court's awareness, DFS served the NRA with a Notice of Charges for the NRA's various violations of New York's Insurance Law, setting an administrative hearing for April 6, 2020. A copy of the Notice of Charges is enclosed herewith for the Court's reference. Plaintiff is seeking an Order to Show Cause to have the Court enjoin those proceedings indefinitely though they have not exhausted their opportunity to have the proceedings adjourned under the applicable regulation. Plaintiff already sought an indefinite adjournment of the hearing from the DFS. Having found that Plaintiff did not demonstrate the required good cause, DFS denied the request and informed Plaintiff that pursuant to 23 N.Y.C.R.R. § 2.8, the application for an adjournment may be renewed with a request directly to the hearing officer upon commencement of the proceeding.

Having just reviewed Plaintiff's filing, we wanted to inform the Court that DFS fully opposes Plaintiff's request and if the Court entertains this request, DFS will take its opportunity

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to oppose the injunction. Additionally, we note that the administrative hearing is over a month away and the NRA is not facing any urgency necessitating an Order to Show Cause.

Nor does the Plaintiff face any irreparable harm with respect to the case before this court if the administrative hearing proceeds. Whether the NRA violated the New York's Insurance Laws -- the subject of the administrative hearing -- in not, nor could it properly, be before this Court. The administrative hearing and this civil case are distinct matters that can and should proceed independently.

The Court's continued attention to this matter is appreciated.

Respectfully yours,

s/ William A. Scott

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